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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,981	03/21/2005	Hisato Shima	265501US6PCT	4375
22850	7590	11/19/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PACHURA, REBECCA L	
			ART UNIT	PAPER NUMBER
			2436	
			NOTIFICATION DATE	DELIVERY MODE
			11/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/527,981	SHIMA ET AL.	
	Examiner	Art Unit	
	Rebecca L. Pachura	2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/21/2008 has been entered.

Specification

2. The objection to the disclosure regarding “*program instructions*” in claim 13 is withdrawn based on the applicant’s remarks submitted on 09/12/2008.

The disclosure is objected to because of the following informalities: For lack of support for claim terminology i.e. in claim 13, line 2 “*processor*”; please see arguments. Appropriate correction is required.

Claim Objections

3. Claims 7 and 13 are objected to because of the following informalities: claims 7, line 11 and 13, line 12 state “from the compared data identifying” they should state “from the matched data identifying”. Appropriate correction is required.

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Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1, 7, 8, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** It is unclear to the examiner what the applicant means by "as data introduced to a packet by an application layer process of the OSI reference model" given that packets do not reside at the application layer they reside at the network layer. The examiner is interpreting it to mean that some ID data is added to either the header or part of the data load.

Claim 8 recites the limitation "said acquiring at least one of" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Status of Claims

5. **Claims 1-13 are pending in this Office Action.**

Claims 1, 7, and 13 are amended.

Response to Arguments

6. Applicant's arguments filed 09/12/2008 have been fully considered but they are not persuasive.

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Applicant's Invention as claimed:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over “A Secure Registration Protocol for Media Appliances in Wireless Home Networks” (Kumar) (Applicant’s IDS) in view of US 20040117650 (Karaoguz) and in view of US 5757924 (Friedman).

As to claim 1, (Currently Amended) Kumar discloses a communication processing apparatus for executing a communication process via a network, comprising: a communication unit configured to implement a communication process related to an authentication process according to a predetermined authentication method, the communication process being performed in order to acquire secret information permitted to be disclosed only to devices in a local network corresponding to said authentication method (Kumar page 110, column 2, lines 14-22); said acquired unique identification information of said communication destination device is compared with said acquired unique identification information of said authentication partner device; and based upon a successful match resulting from the compared data, a process is executed to judge whether said authentication partner device is a device connected to a same local network as a local network to which a local device being a communication source device is connected (Kumar page 111, column 2, lines 11-26). Kumar fails to teach unique identification

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information of a communication destination device in said communication process is acquired by data processing at a network layer or lower of an OSI reference model; unique identification information of an authentication partner device is acquired in an authentication sequence of said authentication method as data ~~processing at~~ introduced to a packet by an application layer process of the OSI reference model.

However, Karaoguz discloses unique identification information of a communication destination device in said communication process is acquired by data processing at a network layer or lower of an OSI reference model; unique identification information of an authentication partner device is acquired in an authentication sequence of said authentication method as data ~~processing at~~ introduced to a packet by an application layer of the OSI reference model (Karaoguz paragraphs 0055 and 0066).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine Kumar and Karaoguz because the unique identification information for communication is the certificate, which includes a device ID, used for authentication and processed at the application layer by the media exchange software (Karaoguz paragraph 0055).

As to claim 2, (Previously Presented) Kumar discloses the communication processing apparatus as claimed in claim 1, wherein at least one of said unique identification information received from said authentication partner device is received as processed data generated by an encryption process or a hash value generation process based on secret information shared with said communication source device (Kumar page 110, column 2, lines 35-38 and page 111, column 1, lines 1-5).

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As to claim 3, (Previously Presented) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach wherein identification information received from said communication destination device is a node unique ID defined in IEEE 1394 standards.

However, Karaoguz discloses wherein identification information received from said communication destination device is a node unique ID defined in IEEE 1394 standards (Karaoguz paragraph 0039, lines 12-15).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that the MP interface is a destination device with a Firewire ID (Karaoguz paragraph 0039, lines 12-15).

As to claim 4, (Previously Presented) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, identification information acquired from a PHY communication unit of said communication destination device and identification information acquired by a network communication unit of said communication destination device, and compare a plurality of these identification information.

However, Karaoguz discloses wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, identification information acquired from a PHY communication unit of said communication destination device and identification information acquired by a network

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communication unit of said communication destination device, and compare a plurality of these identification information (Karaoguz paragraph 0043, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that the electronic serial number is acquired from a media peripheral and is unique identification information from the physical layer (Karaoguz paragraph 0043, lines 5-8).

As to claim 5, (Previously Presented) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach wherein identification information received from said communication destination device is a device address defined in communication standards.

However, Karaoguz discloses wherein identification information received from said communication destination device is a device address defined in communication standards (Karaoguz paragraph 0043, lines 5-8).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that an IP address is a device address from a media peripheral (communication destination device) that is defined in a communication standard i.e. Internet Protocol address (Karaoguz paragraph 0043, lines 5-8).

As to claim 6, (Previously Presented) the modified Kumar discloses the communication processing apparatus as claimed in claim 1. The modified Kumar fails to teach wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, a device address as a source address of a packet transmitted from said communication destination device, and a device address stored in a

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packet by data processing at an application layer or data based on the device address at the application layer, and compare a plurality of these device addresses.

However, Friedman discloses wherein said communication processing apparatus is configured to receive, as identification information received from said communication destination device, a device address as a source address of a packet transmitted from said communication destination device, and a device address stored in a packet by data processing at an application layer or data based on the device address at the application layer, and compare a plurality of these device addresses (Friedman column 1, lines 51-62, column 2, lines 4-8 and 31-35).

It would be obvious to one of ordinary skill in the art at the time of the applicant's invention that packets could contain source addresses and that checksums can match the device addresses (Friedman column 1, lines 51-62, column 2, lines 4-8 and 31-35).

As to claims 7-13, claims 7-13 encompass the same scope of the invention as those of claims 1-6 with the addition of "A communication controlling method" (Kumar page 111, column 2, lines 11-26) and "A computer readable storage medium encoded with computer program instructions" (Kumar page 111, column 1, lines 3-5). Therefore, claims 8-13 are rejected for the same reasons as stated above with respect to claims 1-7.

Remarks

8. Applicant has made some amendments for clarification. Applicant has made arguments for the rest of the response, see below.

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The Applicant Argues:

At paragraph 2 of the Official Action, to the extent understood, it appears as though the Official Action is noting that language at Claim 13, namely, "program instructions" and "processor", are not enabled by the specification. In this regard, the Examiner is invited to review page 49 of the Applicants' specification at least at line 5 through line 14. Applicants note that at least this section of the specification describe a general computer which executes a process sequence of a computer program. As one of skill in the art would certainly recognize program and instructions as corresponding to a program constituting a process sequence, and would recognize a general computer as a processor, in addition to the more specifically described central processing unit (CPU) 201, Applicants respectfully submit that this objection should be withdrawn.

In response, the examiner respectfully submits:

Yes, the Office understands that a general computer might have a processor or could be a virtual machine, in which case it would not have a processor. The Office requires that a general computer be explicitly described in the specification. Therefore, the objection will stand.

The Applicant Argues:

It is respectfully submitted that the Office's understanding of the OSI model is clearly flawed. The OSI model structures computer operations in correspondence to layers of the model to segment processes according to their function. To characterize an identifier as corresponding to any one layer, or being a subset of another layer is clearly confusing the issue. Identifiers do not correspond to a layer of the OSI reference model, processes do. Thus, in order to clarify the pending claims, language has been added to recite that the unique identification information is

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introduced to a packet by an application layer process of the OSI reference model. Neither Kumar nor Karagouz describes this more detailed aspect of the Applicants' claimed advancements.¹ Accordingly, Applicants respectfully request that the rejection of Claims 1-13 under 35 U.S.C. § 103 be withdrawn.

In response, the examiner respectfully submits:

The examiner appreciates the clarification and submits that Karaoguz does disclose the unique identification information is introduced to a packet by an application layer process of the OSI reference model (Karaoguz page 5, paragraph 0055 and page 6, paragraph 0066).

Based on the examiner's arguments claims 1-13 are rejected under 35 U.S.C. 103(a).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca L. Pachura whose telephone number is (571) 270-3402. The examiner can normally be reached on Monday-Thursday 10:00 am-8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rebecca L Pachura/
Examiner, Art Unit 2436

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2436